

**MINUTES OF THE CITY PLANNING COMMISSION
J. MARTIN GRIESEL CONFERENCE ROOM**

**May 3, 2002
9:00 AM**

Present: Appointed Members: Caleb Faux, Jacquelyn McCray, Donald Mooney, Pete Witte; Administration: Acting Assistant City Manager David Rager; Council Representative: Jim Tarbell; City Planning Staff: Director Liz Blume and Steven Kurtz, Administrator, Land Use Management.

The meeting was called to order by Chairman Don Mooney.

MINUTES

The minutes of the April 19, 2002, City Planning Commission (CPC) meeting, prepared by Ms. Shirley Litteral, were presented for consideration.

Motion: Mr. Rager moved approval of the minutes, as presented.

Second: Mr. Faux

Vote: All ayes (5-0).

CONSENT ITEMS

Plat of Subdivision for The Mills of Carthage Subdivision in Carthage

CDS Associates prepared a Plat of Subdivision for The Mills of Carthage Subdivision on behalf of the City of Cincinnati, the property owner. The subdivision site is 13.29 acres in size, and is zoned R-3 Two-Family Zone District that requires 5000 square feet per single-family lot. The Plat of Subdivision illustrates 33 lots: Lots 1 through 14 front on Fairpark Avenue, while Lots 15 through 29 front on West 66th Street, and Lots 30 through 32 face West 68th Street. The lots range between 5000 and 9000 square feet. Lot 33 contains 8.56 acres with access from Van Kirk Avenue, and is intended for future subdivision and development.

Ordinance Authorizing Various Easements on City-Owned Property Known as The Mills of Carthage Subdivision in Carthage

In order to move forward with the development of the site known as The Mills of Carthage Subdivision, it is necessary to grant permanent easements for installation and maintenance of utilities, as well as temporary construction easements and permanent easements for the construction and maintenance of sewers.

Motion: Mr. Faux moved approval of the consent items.

Second: Mr. Mooney

Vote: Motion was approved, 5-0.

DISCUSSION ITEMS

PROPOSED ZONE CHANGES: FROM I-R TO R-2(T) FOR PROPERTY AT 3156 GLENMORE AVENUE, AND FROM I-R TO O-1A FOR THE PROPERTY AT 3158 GLENMORE AVENUE, IN WESTWOOD

Actions requested: 1. Approve a zone change from the I-R to the R-2(T) District for the property at 3156 Glenmore Avenue. 2. Approve a zone change from the I-R to the O-1A District for the property at 3158 Glenmore. 3. Approve the application of Transition District Guidelines for the property at 3156 Glenmore Avenue. 4. Approve the Site Development Plan for the property at 3156 Glenmore Avenue.

Ms. McCray entered the meeting.

Senior City Planner Stephen Briggs presented the staff report, reminding Commission members that a previous proposal was reviewed and approved by the CPC in October 2001. However, in December 2001, City Council indefinitely postponed the previous zone change request. The property at 3156 Glenmore Avenue is owned by Glenmore Partners, LLC, who have requested the zoning be changed from the I-R (Institutional Residential) District to the R-2(T), Single Family Medium Density, District.

The owners of the property are proposing to develop 'The Glenmore', a residential community designed to meet the changing needs of older adults in the Westwood area. One of the components will be a 90-bed, two-story nursing home, residential in design, with a pitch roof and brick exterior. Attached to the nursing home will be a two-story, 74-room assisted living facility that will share amenities such as dining, social areas, services, etc. An adjacent three-story building will provide an additional 60 units of assisted living and a day care center. In order to provide a full range of living options, The Glenmore will also include 15 independent living cottages: one-story structures containing approximately 1200 feet each, attached in three groups of five.

The most significant change from the previous proposal is the reduction of independent living units, from 104 to the currently proposed 15 units. The three-story building that combines 60 units of assisted living and a day care center replaced the originally proposed buildings containing 104 units of independent living.

Even though the Westwood Civic Association supported the original application, there were a number of Westwood residents who opposed the original request. The sharp decrease in the number of independent living units should address this concern.

In regard to 3158 Glenmore Avenue, an I-R hearing was held in 1994 and approval was given to allow conversion of the former convent into a clinic. Currently, the building serves as offices for a physicians group. A rezoning to O-1A gives the owner of that property continued conforming use status in a more restrictive district than the present designation. Staff recommends approval of the actions listed above.

OPPONENTS

Attorney Frank Hyle (3050 Harrison Avenue, 45211), representing residents of Hanna Avenue, stated his clients object to the inclusion of the cottages and the additional units of assisted living, as they believe the density is too great for the parcel.

PROPONENTS

Anne McBride (5725 Dragon Way, #220, 45227) explained that the objective of the project is to provide a full spectrum of living options for older residents of the area. In regard to the single-story units (cottages), she does not believe they will negatively impact any adjoining properties, particularly with a minimum 50-foot setback and screening provided by a tree line. Ms. McBride introduced Larry Norris (9216 Deercross, 45236), a representative of the developer, who was prepared to answer any questions CPC members might have.

Barry Wood (3016 Lischer, 45211), President of the Westwood Civic Association (WCA), restated the position of the WCA Board, as explained in his letter to the Mayor and Members of City Council. The WCA Board concluded that changes made to the original plan (eliminating the apartments) address the opposition to the project. He urged CPC approval of the zone change to enable the project to move forward.

Also in support of the project, but not offering individual testimony were Marilyn Beischel (3265 Renfro Avenue, 45211), H. Schreibeis (3319 Renfro Avenue, 45211), Marcia Baker Pogue (3323 Renfro Avenue, 45211) and Ashley Butler (580 Stephens Road, Maineville 45039).

Motion: Mr. Tarbell moved approval of the staff recommendation.

Second: Mr. Witte

Vote: All ayes; 6-0.

MODIFICATION OF ZONING CODE BUILDING CENTER PROJECT STANDARDS TO ALLOW EXPANSION OF THE EXISTING KROGER FACILITY AT 3760 PAXTON AVENUE IN OAKLEY

Action requested: Grant the modification of Zoning Code Section 1469-504(d) – Total ground floor area of buildings allowed in a Building Center Project, as

requested for the proposed expansion of the existing Kroger Grocery Store located in Hyde Park Plaza at 3760 Paxton Avenue in Oakley.

The staff report was presented by David Efland, Senior City Planner. He indicated the Zoning Code limits floor area coverage to 30% of the area of the Building Center Project parcel. The existing Hyde Park Plaza shopping center has been a Building Center Project for about 30 years and, during that time, several modifications to the standards in the Zoning Code have been reviewed and approved by the CPC. Currently, the applicant wishes to expand the existing Kroger grocery store to the north. The proposed expansion eliminates some existing parking spaces in the Building Center Project and increases the ground floor area coverage to 32.5%; therefore, the applicant seeks approval of a modification to accommodate the proposed expansion. Staff recommends approval.

PROPONENTS

Anne McBride (5725 Dragon Way, #220, 45227) emphasized that the loss of existing parking spaces does not result in fewer spaces than is required by the Zoning Code, and there is off-site parking available. Ms. McBride praised the Oakley Community Council for their help and cooperation on this matter.

Although not offering testimony, Jon Doucleff (3314 Alicemont Avenue, 45209), Chairman of the Oakley Community Council Land Use & Zoning Committee, supported the requested modification.

Motion: Ms. McCray moved approval of the modification.

Second: Mr. Rager

Vote: Motion was unanimously approved, 6-0.

PROPOSED ESTABLISHMENT OF AN R-5(T) MULTI-FAMILY MEDIUM-DENSITY TRANSITION DISTRICT FOR THE AREA WITHIN THE EXISTING BOUNDARIES OF INTERIM DEVELOPMENT CONTROL DISTRICT #56 (OAKLEY NORTH) IN OAKLEY

Actions requested: 1. Approve a zone change to R-5(T) Multi-Family Medium-Density Transition District with transition zone guidelines for the area within the existing boundaries of Interim Development Control (IDC) District #56. 2. Approve a zone change from R-5(T) Multi-Family Medium-Density Transition District to M-2 Intermediate Manufacturing District for the area west of Marburg Avenue.

Presented by Senior City Planner David Efland, the staff report indicated the area proposed for rezoning includes the properties within IDC # 56 comprising 62 acres and a small remnant area of R-5(T) on the site of the new retail development to the west of IDC #56. The area is currently a mixture of land uses including single and multi-family residential, housing for the elderly, commercial, warehouse, office, retail, and institutional. The mixture of uses differs based on four sub-areas within

the study area that have been identified in the Oakley North Urban Renewal Plan and through field analysis by zoning staff.

Staff is recommending a new R-5(T) Transition District for the majority of the study area. In addition, staff is recommending an M-2 Intermediate Manufacturing District for a small portion of the Milacron site to clarify the zoning on that development site as well as retaining M-2 zoning for the remainder of the study area, as it was previously zoned. The proposed changes are described in more detail as follows:

Existing R-5(T) Multi-Family Medium-Density Transition Zone District located on the former Milacron site, now being developed for retail, west of Marburg Avenue.

This area represents a remnant of R-5(T) zoning that is being developed in a comprehensive manner with similar retail uses. The bulk of the former Milacron site is currently zoned M-2. This area, which is a single development site, should be consistently zoned in the same district. Therefore, the staff is recommending the extension of the existing M-2 district across the small remaining R-5(T) area to the west of Marburg Avenue.

Proposed Zoning: M-2

Existing M-2 Intermediate Manufacturing District located on the north side of IDC #56 and extending east along the existing railroad right-of-way.

The only identifiable users of this area are the existing manufacturing facility accessed from Ibsen Road, a C.G. & E. right-of-way for high-tension towers, and the Ohio Department of Transportation for Interstate right-of-way. The existing uses dictate that this area remains M-2.

Proposed Zoning: M-2

Sub-Area 1 – existing zoning B-4 & R-5(T)

Sub-Area 1 is currently a mixed-use residential / commercial area. There are several office uses, a veterinary clinic, a mixed-use structure with ground floor commercial and multi-family residential above, a small warehouse/distribution facility, and a stand-alone multi-family structure among other uses. This area is envisioned as a mixed use, community oriented commercial area. This area is intended to provide for a mix of pedestrian and auto oriented development. New construction should reflect a commercial orientation that is more pedestrian in character rather than auto oriented, but should respect the existing uses in the area.

Proposed Zoning: R-5(T) – Sub-Area 1 with commercial uses per B-3.

Sub-Area 2 – existing zoning R-5(T)

Sub-Area 2 currently has a mixture of lower intensity uses than Sub-Area 1. They are generally on small platted lots and are in converted residential structures. The area also has several vacant lots, some occupied single-family structures, and a multi-family structure. This area is intended to provide for a mix of pedestrian and auto oriented development, while discouraging retail uses and encouraging office and personal service uses per the recommendations of the Oakley North Urban Renewal Plan. New construction should reflect an orientation that is more pedestrian in character rather than auto oriented, but should respect the existing uses in the area.

Proposed Zoning: R-5(T) – Sub-Area 2 with commercial uses per B-2 except Retail Sales.

Sub-Area 3 – existing zoning R-5(T) & R-5

Sub-Area 3 currently is in transition. Many previously used single family homes have been demolished and the land cleared for future development. There are still a significant number of existing, occupied single family and multi-family homes. There are no specific, coordinated development plans for this area, though the area holds more potential for such development than either sub-area 1 or sub-area 2. This area is envisioned as a mixed use, community oriented office, hotel, and commercial area. This area is intended to provide for a mix of pedestrian and auto oriented development. New construction should reflect a commercial orientation that is more pedestrian in character rather than auto oriented, but should respect any remaining abutting uses. This could be achieved through temporary visual screening and buffering between dissimilar uses, though sensitive project phasing could also minimize any potential adverse impacts. The Area should be developed in a single coordinated fashion in order to promote adequate planning for the potential impacts of intense mixed-use development. In particular, the potential traffic impacts on the surrounding area, Ridge Ave., Alamo Ave., Marburg Ave., and I-71 must be adequately addressed. Development should occur in a coordinated and master-planned fashion rather than on a lot-by-lot basis.

Proposed Zoning: R-5(T) – Sub-Area 3 with commercial uses per B-3 except drive in/thru uses

Sub-Area 4 – existing zoning R-5(T) & R-5

Sub-Area 4 currently has a number of vacant properties that have recently been purchased and demolished by Vandercar Holdings, Inc. The remaining uses are primarily occupied, single family structures with a few multi family structures as well as a nursing home facing Ridge Avenue. This Area is envisioned as a mixed-use, multi-story, master planned development. The development is proposed for a mixture of retail uses below ground and up to two stories above ground, with residential or office uses above the second story. A single stand-alone office structure is also proposed. The attached site plans represent the developer's

proposal for the two underground levels and the ground floor or plaza level. No plans for upper stories, building elevations, signs, or landscaping were submitted. The applicant is working with the Department of Transportation and Engineering to address the potential traffic issues associated with this development.

Proposed Zoning: R-5(T) – Sub-Area 4 with commercial uses per B-3 (see guidelines)

The Oakley Community Council (OCC) and the applicant have held several meetings regarding the proposed redevelopment of the area, specifically Sub-Area 4. Both the OCC and the applicant have submitted draft guidelines for consideration by staff in preparing transition guidelines. Staff recommends approval.

A great deal of discussion followed, including testimony from the following:

Joseph L. Trauth, Jr. (1400 Provident Tower, One East Fourth Street, 45202), an attorney representing Vandercar, stated his client has problems with what the staff has suggested in regard to minimum setbacks in Sub-Area 4, as well as transparency requirements.

Rob Smyjunas (5027 Madison Road, 45227), of Vandercar Holdings, stated he had three problems with what staff has recommended -- height restrictions, lighting height limits and setbacks – and hopes, through discussion, to resolve those issues at this meeting.

Mr. Kurtz stated the setbacks are necessary for possible future street widening. Steve Niemeier (Department of Transportation & Engineering) said it's not known whether widening will become necessary, but agrees the setbacks are needed, to preserve that option.

Jon Doucleff (5314 Alicemont Avenue, 45209), Chairman of the Oakley Community Council Land Use & Zoning Committee, stated the community generally supports the staff recommendation. The community likes the basic concept, but would like to see more 'stepping down' in building heights as new development moves closer to residential areas. Further, the community feels ground floor transparency is imperative in regard to the structured parking, and they urge against the use of pole signs whenever possible.

Jim Cunningham, representing the Department of Housing & Urban Development (15 East Seventh Street, 45202), is very concerned with the lack of information regarding this project. In Sub-Area 4, as identified in the staff report, HUD has a building in the fourth year of a long-term contract that provides 42 units of housing that is not going away. His concern is for preservation of safe living conditions and quality of life for the folks living in those units. Without seeing site plans, he doesn't see how transition between this development and housing is going to happen.

Sue Doucleff (5314 Alicemont Avenue, 45209), President of the Oakley Community Council, expressed concern about parasitic development that will almost surely occur one street removed from the main project, and will cause further traffic woes.

Motion: Mr. Rager moved approval of the recommendations made in the staff report, with the following friendly amendment. On the issue of setbacks, the developer will be required to secure a traffic impact study, to be reviewed by the City's Department of Transportation & Engineering, and if it is determined that street widening is not necessary, then no setback is required.

Second: Mr. Tarbell

Vote: Motion was approved, 6-0.

Mr. Mooney suggested that the lighting question should be resolved by including language in the guidelines stipulating that lighting is to be shielded to allow light to be contained within the property's boundaries. He further suggested that in Sub-Area 2, building height should be limited to 35 feet, and for the remainder of the project, building heights remain at or below height limits prescribed for B-4 districts.

Motion: So moved by Mr. Rager.

Second: Ms. McCray

Vote: Motion carried, 6-0.

(NOTE: At past meetings, Mr. Faux abstained from discussion and votes on this project due to a possible conflict of interest. However, because Mr. Faux has recently changed employers, he no longer has a conflict and is able to participate.)

Motion: Mr. Faux requested a resolution indicating the City Planning Commission is supportive of suggesting to the City Council that the Economic Development Department assist in acquisition of property in this area to facilitate development of this project, with the emphasis on residential.

Second: Ms. McCray

Vote: Motion was unanimously approved, 6-0.

ADJOURNMENT

With no further business to consider, the meeting was adjourned.

Elizabeth A. Blume, Director
City Planning Department

Donald J. Mooney, Chairman
City Planning Commission

Date: _____

Date: _____